

**REGULAR MONTHLY MEETING OF THE STEPHENS CITY TOWN COUNCIL
TUESDAY, MARCH 4, 2008
7:30 p.m.**

Mayor Ray Ewing called the meeting to order at 7:30 p.m. and led the Pledge of Allegiance.

Council member Fravel gave the invocation.

Roll call showed the following present:

Vice Mayor Shull, Council member Ron Bowers, Council member Linden A Fravel, Jr.,
Council member Mike Grim, Council member James Harter, and Council member Joseph
W. Hollis..

Staff present: Mike Kehoe, Town Administrator; Dianne MacMillan, Town Clerk; David Griffin,
Town Attorney.

Press Present: Jessica Burchard, Winchester Star

ACTION AGENDA

Council member Grim moved to adopt the Agenda as presented and the motion carried.

PUBLIC COMMENTS

No citizens present.

MINUTES – February 5, 2008.

Council member Fravel moved to approve the minutes of February 5, 2008 as presented and the motion carried by the following vote:

Vice Mayor Shull	-	Aye
Council member Bowers	-	Aye
Council member Fravel	-	Aye
Council member Grim	-	Aye
Council member Harter	-	Aye
Council member Hollis	-	Aye

TREASURER'S REPORT

The Mayor asked for questions or comments on the Treasurer's report and there were none. The Treasurer's report was accepted as presented.

POLICE REPORT

Mayor Ewing said the police report had been distributed and asked for any questions or comments. There being no comment, the police report was accepted as presented.

ACTION AGENDA

A. Third and Final Reading for Adoption – Increase in Bad Check Fees

Mayor Ewing introduced the first item; the ordinance to increase fees for passing bad checks. He asked that the clerk read the ordinance for the third and final reading. The clerk read “An Ordinance to amend Section 1-10 Fees for passing bad check, the Town shall hereby impose a fee of \$25.00 and Section 2-111(a) fee amount for dishonored checks is changed from \$10.00 to \$25.00”.

Council member Hollis moved that the Council of the Town of Stephens City adopt the Ordinance to amend Section 1-10 and Section 2-111(a) to increase returned check fees. The motion passed with the following recorded vote.

Recorded Vote:

Vice Mayor Shull	-	Aye
Council member Bowers	-	Aye
Council member Fravel	-	Aye
Council member Grim	-	Aye
Council member Harter	-	Aye
Council member Hollis	-	Aye

B. First and Second Reading of Allegheny Power Franchise Agreement

Town Attorney, David Griffin, said after some changes to language the ordinance was ready for approval. He explained the changes to the members and stated that it was a straight-forward franchise to sell electric current in the town for forty years. Council member Grim said he was concerned about unrestricted trimming of trees because the Tree Commission’s purpose was to regulate this. Mr. Griffin said that the agreement includes language describing reasonably necessary trimming of trees and the Tree Commission would deem what was reasonably necessary.

Mayor Ewing asked that the Clerk read the ordinance by title only for the first reading. The Clerk read “An Ordinance to Award a Franchise to Supply and Sell Electric Current Within the Town of Stephens City, Virginia”. Council member Harter moved to approve the first reading of the ordinance and the motion passed.

Mayor Ewing asked that the Clerk read the ordinance by title only for the second reading. The Clerk read “An Ordinance to Award a Franchise to Supply and Sell Electric Current Within the Town of Stephens City, Virginia”. Vice Mayor Shull moved to approve the second reading of the ordinance and the motion passed.

Mayor Ewing announced that the third and final reading of the ordinance would be scheduled for the April meeting.

C. Appointments to Board of Zoning Appeals

Mayor Ewing said there were two members of the BZA whose terms were about to expire - Walter Quinn and Eva Gates. He said they agreed to additional terms to expire at the end of March 2012. Council member Fravel moved to reappoint Walter Quinn and Eva Gates to the BZA for four year terms. The motion passed with the following recorded vote:

Recorded Vote:

Vice Mayor Shull	-	Aye
Council member Bowers	-	Aye
Council member Fravel	-	Aye
Council member Grim	-	Aye
Council member Harter	-	Aye
Council member Hollis	-	Aye

D. MPO Study Recommendation

Town Planner, Brian Henshaw, said he provided a report about what is being asked of Town Council. The MPO study recommended that any kind of phase II study should include the western bypass at Route 37 as well as any future Shady Elm connection to the western bypass. Mr. Henshaw suggested that the best course of action was to recommend the study as a resource to build on. Council member Fravel expressed concern about recommending a study that results in a D level of service. Mr. Henshaw said there was dissatisfaction with the complete results and the Policy Board decided that they want the jurisdictions to weigh in before it is released to the public. He said that Council would only be agreeing to release the study to the public and it would include various options.

Council member Hollis moved that the Stephens City Town Council accept the study as a resource to build upon and recommend an additional study be considered for alternatives best identified by the Policy Board of MPO with consideration given to future impacts of the Stephens City Western Bypass and future connection to Shady Elm Drive. Council member Fravel said the D level service was a problem and urged a stronger statement to address this issue. The motion was amended to add that additional study resulting in a viable solution be drawn from the facts that were found. The motion passed with the following recorded vote:

Recorded Vote:

Vice Mayor Shull	-	Aye
Council member Bowers	-	Aye
Council member Fravel	-	Aye
Council member Grim	-	Aye
Council member Harter	-	Aye
Council member Hollis	-	Aye

E. Proposed Cigarette Excise Tax Ordinance – Set Public Hearing

Mayor Ewing asked for the finance committee's report on the proposed cigarette excise tax. Mr. Kehoe, Town Manager, stated that the committee did recommend that it be scheduled for public hearing at a suggested tax of 10 cents per pack which was on the low end. He said the excise tax was needed to offset revenue lost when two banks left town and it would be a source of revenue shared by those outside the jurisdiction. Mr. Kehoe added that it was possible that it could be administered by a third party and he would check into this cost. Mayor Ewing said that the research from other towns indicated that 25 cents seemed to be the average tax per pack. Mr. Kehoe said this proposed tax would not impact the town as much as an increase in real estate or personal property taxes. Council member Grim moved to advertise a public hearing for an ordinance to impose a cigarette tax not to exceed 25 cents per pack. The motion passed with the following recorded vote.

Recorded Vote:

Vice Mayor Shull	-	Aye
Council member Bowers	-	Aye
Council member Fravel	-	Aye
Council member Grim	-	Aye
Council member Harter	-	Aye
Council member Hollis	-	Aye

F. Town Code Chapters 1 and 2 – Set Public Hearing

Mayor Ewing reported that the Administrative Committee recommended revisions to Chapter 1 and Chapter 2 of the Town Code. Mr. Griffin explained that the changes were recodifications to bring the code up to current standards using proper state code references and plainer language and clarifying responsibilities. He added that there were no major changes. Council member Hollis moved to advertise for public hearing Chapters 1 and 2 for the April meeting. The motion passed by the following recorded vote:

Recorded Vote:

Vice Mayor Shull	-	Aye
Council member Bowers	-	Aye
Council member Fravel	-	Aye
Council member Grim	-	Aye
Council member Harter	-	Aye
Council member Hollis	-	Aye

COMMITTEE REPORTS

Water/Sewer

Vice Mayor Shull reported that the two-year contract with Stamie Lytle was about to expire. She stated that they had offered the lowest bid for the work. Vice Mayor Shull moved that the

Town of Stephens City extend the contract with Stamie Lyttle for one year. The motion passed with the following recorded vote:

Recorded Vote:

Vice Mayor Shull	-	Aye
Council member Bowers	-	Aye
Council member Fravel	-	Aye
Council member Grim	-	Aye
Council member Harter	-	Aye
Council member Hollis	-	Aye

Vice Mayor Shull moved that the Town of Stephens City proceed under the public procurement policy for work that needs to be done on Stephens Court water/sewer lines. The motion passed with the following recorded vote:

Recorded Vote:

Vice Mayor Shull	-	Aye
Council member Bowers	-	Aye
Council member Fravel	-	Aye
Council member Grim	-	Aye
Council member Harter	-	Aye
Council member Hollis	-	Aye

Personnel Committee

Council member Harter, Chair of the Personnel Committee, reported that Dianne MacMillan, Town Clerk had passed her probationary period. He moved that the probationary period of both Kathy Monk, Town Treasurer and Dianne MacMillan, Town Clerk, be ended. The motion passed with the following vote:

Recorded Vote:

Vice Mayor Shull	-	Aye
Council member Bowers	-	Aye
Council member Fravel	-	Aye
Council member Grim	-	Aye
Council member Harter	-	Aye
Council member Hollis	-	Aye

PLANNER'S REPORT – Brian Henshaw

Town Planner, Brian Henshaw explained the procedure for accessing members' email addresses through the website. Council member Fravel asked if his personal email could be used in place of the website address to ensure prompt responses and Mr. Henshaw said it could be forwarded to his personal address. Council member Harter asked if the ability to pay on line was available

yet. Mr. Henshaw said that it would be by the end of the week. There was further discussion regarding paying on line and electronic billing.

Project Stephens City: Mr. Henshaw reported that the “banner project” was going well and suggested that the members encourage local businesses and organizations to get involved. He added that it will be an excellent project for the beautification of the downtown and promotion of business. Council member Fravel asked if thought was given to using Fairfax Street as well as Main Street for display of the banners. Mr. Henshaw said it was decided that for the first year it would be tried on Main Street with a limited number and if there was more interest, the program would be expanded onto Fairfax. He said the program would also include businesses that are located out of town.

TOWN MANAGER’S REPORT – Mike Kehoe

Mr. Kehoe advised the members that the fiscal year budget was holding up pretty good through this month but the town was starting to see a slow down and because of that, some projects were on hold. He said the purchase of a street sweeper was on hold and the work will be contracted out. He added that replacement of street signs was over \$1200 and this would be reduced by half. Mr. Kehoe said that this was budget season and there was an effort to be very conservative this year. He said the one project still on-going was the completion of the concession building in Newtown Commons adding that costs have gone up and completing the kitchen will approach \$40,000. He said the goal was to try to complete as much as possible by the festival. Mayor Ewing added that most of the equipment purchased has been used equipment. Mr. Kehoe said there was a survey being conducted for the Stephens Court water line replacement and noted that the utility line system was in better shape now than for a long time because of the water connection on Fairfax Street.

Mr. Kehoe said there will be a talk on the civil war period focusing on Camp Russell presented by Bob Jolly from the Department of Historic Resources on March 26th at 7:00 p.m. Council member Hollis asked if there were any publications on activities for the 250th by month. Mr. Kehoe said there was little attendance at the last three meetings but following the Festival there will be a schedule for the remainder of the year.

Mayor Ewing noted that there would be an open house on April 6th at the old log home at 5493 Main Street for an unveiling and signing of a Special Commemorative Painting by the artist Charlie Pitcock. He said there would be a similar event held on the Town’s anniversary date.

Mr. Kehoe said there was consideration being given to participating in the Route 11 Crawl yard sale event from Shenandoah County but this will be finalized at a later date.

COUNCIL COMMENTS/CALENDAR

An Administrative Committee meeting was scheduled for Tuesday March 18th at 4:00 pm. The times were changed for the Public Works and Water/Sewer Committees to 9:00 am and 9:30 am on Thursday, March 20th. Finance Committee meeting to be set.

MOTION FOR CLOSED MEETING

Motion By: Vice Mayor Joy Shull

I move that the Council of the Town of Stephens City enter Closed Session pursuant to Section 2.2-3711.A.7 of the Code of Virginia, 1950, As Amended, for the purpose of consultation with legal counsel pertaining to actual or probable litigation.

VOTE:

Aye – Vice Mayor Shull
Council member Bowers
Council member Fravel
Council member Grim
Council member Harter
Council member Hollis

Nay – None

Absent/Abstain - None

ATTEST: _____
Dianne L. MacMillan, CMC, Town Clerk

CERTIFICATION OF CLOSED MEETING

RESOLUTION

Date: March 4, 2008

Motion By: Vice Mayor Shull

WHEREAS, the Council of the Town of Stephens City, Virginia has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712.D of the Code of Virginia requires a certification by this Council that such Closed Meeting was conducted in conformity with Virginia law,

NOW, THEREFORE, BE IT RESOLVED that the Council hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters

as were identified in the motion convening the closed meeting were heard, discussed or considered by the Council.

RECORDED ROLL CALL VOTE:

Aye – Mayor Ewing
Council member Bowers
Council member Grim
Council member Hollis

Vice Mayor Shull
Council member Fravel
Council member Harter

Nay – None

Absent – None

Abstain – None

Dianne L. MacMillan, CMC, Town Clerk

There was no action taken as a result of the Closed Session.

ADJOURN

There being no further business, Councilman Bowers moved to adjourn and the motion carried.
The meeting adjourned at 9:15 p.m.

Ray E. Ewing, Mayor

Dianne L. MacMillan, CMC
Town Clerk